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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,126	11/03/2003	Michael A. Lassner	200311849-1	9576
22879 7590 03/16/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER HASSAN, AURANGZEB	
			ART UNIT 2182	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/700,126	Applicant(s) LASSNER, MICHAEL A.	
	Examiner Aurangzeb Hassan	Art Unit 2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12,15-19 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-10,12,15,17-19 and 24-28 is/are rejected.
- 7) ☒ Claim(s) 6,15 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 11/28/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1, 3, ~~5 and 6~~ are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention requires

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practical application that produces a useful, concrete and tangible result. The claims as currently presented are a mere recitation of data manipulation without a tangible result.

4. Claims 10, 12, 15-19, 27 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims are directed to systems containing means and logic and a claim directed to a device driver which are computer programs per se and are neither computer components nor statutory processes, as they are not "acts" being performed. As evident from the specification and copending-rejected independent claims 16 and 27, the "means" of claim 10 also refer to software as driver and logic. Device drivers are programs used to control and operate the peripheral devices as shown in the specification of the current application on pages 5 and 6. Furthermore page 8 of the specification teaches that the region identification system is a program. Therefore independent claims 10, 16 and 27 and their corresponding dependent claims are rejected for being non-statutory.

5. To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1, 4, 5, 10, 16-17, 24 & 27

7. Claims^Y rejected under 35 U.S.C. 102(a) as being anticipated by Ogasawara (US Publication Number 2003/0045979).

8. As per claims 1, 10, 16, 24 and 27 teaches a method, system, device, and driver comprising:

identifying with a peripheral device (DVD Player 9, figure 1) a region code stored on a component installed within the peripheral device (paragraph [0005], region code stored, paragraph [0026]), the region code identifying a particular geographical region (paragraph [0029]); and

setting a geographical region for the peripheral device to be the geographical region identified by the region code (paragraph [0030], figure 2).

Examiner notes region codes are also stored on element 16, figure 1.

9. As per claim 4, Ogasawara teaches a method wherein setting a geographical region comprises storing the identification region code in device memory of the peripheral device (paragraph [0026]).

10. As per claims 5 and 17, Ogasawara teaches a method, system and device wherein setting a geographical region comprises locking the region code for the peripheral device (video display prohibited, paragraph [003]) such that only components intended for sale in that geographical region can be used with the peripheral device (standard of video is intended for sale and use in a set geographical area and video not of that standard does not operate, paragraphs [0030-0033]).

11. As per claim 25, Ogasawara teaches a device wherein the region identification system is configured to set the region code for the peripheral device only after a predetermined criterion is satisfied (can only be utilized when region codes stored are matched, paragraph [0026]).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 1, 3-7, 9, 10, 12, 15-19 and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent Number 6,494,562 hereinafter "Walker") in view of Maehara (US Publication Number 2004/0125393).

14. As per claims 1, 10, 16, 24 and 27 Walker teaches a method, system, device, and driver comprising:

identifying with a peripheral device (element 10, figure 1) a region code stored on a component (reseller identification stored on element 16, figure 1) installed within the peripheral device (identifying reseller information stored on memory, column 3, lines 6 – 17) the region code identifying a particular region (identifies sales channel for replacement in the particular region, column 4, lines 1 - 18); and

setting a region for the peripheral device to be the region identified by the region code (stores reseller identification, column 4, lines 1 – 18).

Walker fails to teach the particular region being a geographical location.

Maehara analogously teaches a geographical region identified on a peripheral (use information retaining unit retains locality information, paragraph [0059], and further shown in figure 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Walker with the above teachings of Maehara. One of ordinary skill would be motivated to make such modifications in order to allow for efficiency in detection and reporting of problems in a peripheral device (paragraph [0009]).

15. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claim 3 Walker teaches a method wherein identifying a region code comprises reading a region code embedded within memory of a print cartridge (cartridge 14, figure 1) that is installed within the peripheral device (region code information store in memory 42, figure 2).

16. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claim 4 Maehara teaches a method wherein setting a geographical region comprises storing the identification region code in device memory of the peripheral device (use information retaining unit is stored on the peripheral device shown in element 1, figure 1).

17. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claims 5, 17 and 25 Walker teaches a method, system and device wherein setting a geographical region comprises locking the region code for the peripheral device such that only components intended for sale in that geographical region can be used with the peripheral device (region code, resellers the peripheral is reference to a geographical locality for purchase of replaceable components is locked to one set locale to ensure sale, column 8, lines 16 – 39).

18. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claims 7 and 28 Walker teaches a method and device further comprising providing the region code to a user computer (the information source to the printing system can be a computer, column 4, lines 38 – 43).

19. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claim 8, teaches a method and system further comprising accessing a database on the user computer that cross-references the region code with components available for use with the peripheral device to identify components that can be presented to a user for purchase (Walker: figure 5 cross-references the regionally resellers available to the user, Maehara: User is presented with important information in regards to services for purchase in reference to components needed repair paragraph [0102]).

20. Walker modified by the teachings of Maehara as applied in claim 1 above, as per claims 9, 12 and 19, Maehara teaches a method and system wherein providing the region code comprises providing the region code to a device driver that executes on the user computer and wherein accessing a database comprises accessing the database with the device driver (Maehara: upon detection of an error the region is update for a user to access via a Web database paragraph [0103-0104]).

Response to Arguments

21. Appellant's arguments filed 11/28/2006, with respect to claims 1, 3 – 5, 7 – 10, 12, 15, 17 – 19 and 24 – 28 have been fully considered and the finality of Claims 1, 3 – 5, 7 – 10, 12, 15, 17 – 19 and 24 – 28 has been withdrawn.

22. Applicant's arguments, see Remarks, filed 9/25/2006, with respect to claims 6, 15, 18 and 26 have been fully considered and are persuasive as cited in the Advisory Action dated 10/13/2006 and thus the rejection had been withdrawn.

23. As per Applicant's arguments with regards to the combination of references, the examiner notes that:

a) The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

b) Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

c.) Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the three arguments regarding the combination of references the applicant makes presumptions of the user not being an administrator rather an individual user and would not need to know location information. As for the hindsight argument to combine, please note that the motivation is supported by Maehara (paragraph 9) as indicated in the rejection. Walker's complete concern is reporting a problem of an ink shortage and supplying location oriented reseller information as a convenience to the user. The applicant presumes a printer can only be connected to a single user whereas it is known in the art that a printer may in fact be networked. The applicant addresses the current rejection from the perspective of Walker alone when the rejection is a combination of Walker and Maehara. The combination as addressed with Maehara teaches the concerns of the current application.

24. As per the Applicant's arguments with regards to claim 1 as found in the Appeal Brief filed 11/28/2006 page 12 the Examiner notes the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., ensuring designated use of components) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

25. As per the Applicant's argument with regards to a device driver, the Examiner notes that performing operations in conjunction with a peripheral or I/O device with a user interface inherently requires a device driver as does the interaction between interchangeable user defined components as it is also illustrated by the specification of the current application that the device driver contains essential code that acts as a translator from the user interface to a device noted on pages 5 and 6.

26. As per the Applicant's argument with regards to a "lock"-ed region code the Examiner respectfully disagrees. The locking is understood to represent a set characteristic and where the region code is represented by the list of resellers of the component necessitated by the peripheral is locked/set to a particular regional reseller specified in relation to the information received from the user column 8, lines 16 – 39. Clearly from this citation one of ordinary skill would understand how the locking of a particular region of reseller represents setting the region code to be utilized in a geographical sale.

Allowable Subject Matter

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27. Claims 6, 15, 18 and 26 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 101, ~~142, 2nd paragraph~~, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aurangzeb Hassan whose telephone number is (571)272-8625. The examiner can normally be reached on Monday - Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571)272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


KIM HUYNH
SUPERVISORY PATENT EXAMINER

3/8/07